

**Comments on the draft Revisions to the AWW Management Plan (1999) from the Advisory Council and CPA, and the Bureau's Responses to the Comments. The revisions were drafted by the Bureau in compliance with the DOC/NPS Memorandum of Agreement and include the actions agreed to at the River Driver's Retreat. Page numbers are those of the accompanying revisions.**

## PREFACE

*Comment, page 3:* Add an opening paragraph referencing the enactment of the Wild and Scenic Rivers Act (WSRA), Governor Curtis' application, and the AWW's inclusion in the federal system [CPA].

*Response:* In the interest of brevity, the discussion in the paragraphs that follow is sufficient. Additional language has not been added to the revised draft.

*Comment, page 3:* Add "state-administered" to "wild and scenic river" at the bottom of page 3 [Fosburgh].

*Response:* This wording is incorporated in the revised draft.

*Comment, page 3:* Add references to the Wild and Scenic Rivers Act and the Federal Register [Medina, Denico, Johnson, CPA].

*Response:* The relevant references will be added to the revised draft as Appendix J and Appendix K.

*Comment, page 4:* Elaborate on "the values that caused it to be added to the federal system" as referred to in the State statute's declaration of policy, e.g., natural scenic beauty, unique character, wilderness habitats, and wilderness recreation resources, etc. [Bennett and CPA]. Include references to cultural and historical values [Fosburgh].

*Response:* In the interest of brevity, a reference to the State statute and the Federal Register that are in the Appendix of the revised draft is sufficient.

*Comment, page 4:* Restate the traditional uses listed in the next to last paragraph on page 4 in positive terms [Nicoll, CPA]. Delete these references [St. Pierre].

*Response:* Language proposed by CPA, stating these uses in positive terms, is incorporated into the revised draft.

## WILD AND SCENIC DESIGNATION

*Comment, page 14:* Cite WSRA code and sections [CPA].

*Response:* The appropriate citations [P.L. 90-542, Section 2(a)] are cited in the revised draft.

*Comment, page 14:* Delete references to the development that was present at the time of designation (paragraph 2), and replace them with reference to “maximum wilderness character” of the state and federal legislation and federal intent [CPA].

*Response:* The purpose of the reference to the development is to highlight the unique character of the Allagash as a special case action, exceptional and unique. The language is unchanged in the revised draft.

*Comment, page 14:* Add language that highlights the “maximum wilderness character” and the “wild” designation, and focuses on the State’s assurances regarding its philosophies and policies [CPA].

*Response:* CPA’s proposed language is overly defensive, and is not included in the revised draft in the interest of brevity. The paragraph following, without alteration, adequately expresses the intent of the parties.

*Comment, page 15:* Remove the paragraph addressing NPS comments in 2001 regarding the State’s management of the Waterway [CPA, Fosburgh].

*Response:* This paragraph is defensive and does not add anything in regards to future management. It is deleted from the revised draft.

*Comment, page 15:* Add wild classification language from page 36; add language from Section 7(a) of WSRA, regarding construction of water resource projects; add all of Section 10 (a) [Fosburgh].

*Response:* The suggested language is added in the revised draft.

*Comment, page 15:* Remove the phrase “an effort to reach consensus” from the State’s management goals. Add language reflecting AWW values as it appears in the Federal Register [CPA].

*Response:* The phrase is unchanged in the revised draft. The policies and actions adopted in the River Drivers’ Agreement (RDA) are an example of consensus reached regarding important management issues. The Bureau will seek consensus whenever it can be obtained. The wilderness values, as set forth in the Federal Register and in other important guidance documents, can be preserved and enhanced while still honoring traditional uses, as recognized in the AWW statute and implemented by the RDA.

*Comment, page 15:* Add language regarding the values described in the Federal Register and modify the non-degradation language [CPA]. Remove the non-degradation language [Denico].

*Response:* The non-degradation language is modified as proposed in the revised draft, but not removed. Non-degradation is an important principle of the Bureau’s management.

*Comment, page 16:* Add additional language from the Governor’s 1970 request for designation [CPA, Denico, Medina, Bennett]. Move the entire section to the Appendix [Medina].

*Response:* The proposed additional quotations are cited in the revised draft in the interest of completeness, and the entire section placed in the Appendices.

*Comment, page 17:* Move last sentence (“The Bureau will implement...”) to the Policies section [CPA].

*Response:* This sentence has been moved in the revised draft.

*Comment, page 17:* Include WSRA and Federal Register sections on the AWW in the Appendix [CPA].

*Response:* These sections are included in the revised draft.

## POLICIES, MANAGEMENT OBJECTIVES, AND STRATEGIES

*Comment, page 36:* Cite relevant WSRA sections in the opening paragraph [CPA].

Simply summarize the State's commitment to manage the Waterway consistent with the "wild" classification [Fosburgh]. Cite Section 2(a) ii of the WSRA [Medina, Denico].

*Response:* The State's commitment to manage the Waterway consistent with the WSRA is stated in the revised draft, with a reference to the Appendix J for the language of the WSRA.

*Comment, pages 36-37:* Remove the reference to the lack of a definition of "wilderness" or "wilderness character" in the New Construction Area and the One Mile Area [CPA].

*Response:* This language is unchanged in the revised draft. The statute refers to maximum wilderness character particularly with respect to the watercourse and the Restricted Zone (Section 1873.3). As the sentences that follow indicate, the One Mile Area and the New Construction Area (Quarter Mile Zone) are not managed with the same stringency as the Restricted Zone.

*Comment, page 37:* Change the wording regarding the statutory amendments in 1983 so that it reads "clarified" the Bureau's responsibility for approving or denying timber harvesting in the Visible Area on the One Mile Zone rather than "limiting" the Bureau's right to approve or deny timber harvesting to visible areas within the One Mile Zone [CPA].

*Response:* The principle effect of the amendment was to limit the Bureau's authority over harvesting activities to the visible area. The wording is unchanged in the revised draft.

*Comment, page 37:* Add reference to non-degradation and the principles of the RDA. [CPA] Add that the RDA was approved by the AWW Advisory Council [Denico].

*Response:* Non-degradation language is placed here in the revised draft. The Council's approval of the RDA is made explicit.

*Comment, page 38:* Change "Wilderness Character Concept" in the title to "Wilderness Management Guidelines" for the Restricted Zone and Watercourse [CPA].

*Response:* In this section of the management plan, the concept of "wilderness character", as referred to in the AWW statute, is defined in more specific terms: the original phrasing is more appropriate and is unchanged in the revised draft.

*Comment, page 38:* Add a first bullet "Enhancement of the wilderness character of the Allagash is pursued consistent with the State's Allagash Statute and the federal designation" [consensus Council item].

*Response:* This phrase is included in the revised draft, as agreed to by a consensus of the AWW Council.

*Comment, page 39:* Add "wild" with reference to the federal designation [CPA].

*Response:* "Wild" is added in the revised draft.

*Comment, page 40:* Add "wild" in reference to the federal designation [CPA].

*Response:* "Wild" is added in the revised draft.

*Comment, page 40:* Add the Federal Register references to access points in its 1970 acceptance of the State's request for federal "wild" designation [CPA].

*Response:* Actual vehicle access sites, how much they were used, and whether they were considered authorized prior to rule making is a contentious issue that has been resolved by the RDA. Rehashing the underlying dispute adds nothing to future management planning for the Waterway. This language is unchanged in the revised draft.

*Comment, page 41:* Henderson Bridge was constructed in 1968, not 1973 [CPA].

*Response:* The correction is made in the revised draft.

*Comment, page 41:* Delete the fourth paragraph referring to authorized vehicle access points [CPA].

*Response:* This discussion of historical information is disputed. Since it does not add anything to future management planning following the RDA, it is deleted in the revised draft.

*Comment, page 43:* Correct the date of River Drivers' retreat [CPA].

*Response:* The correction (2003) is made in the revised draft.

*Comment, page 43:* Minor edits to the first full paragraph are proposed to improve the text [CPA].

*Response:* The proposed edits are made in the revised draft.

*Comment, page 43:* Add language indicating that John's Bridge will be phased out as a vehicle access site [CPA].

*Response:* The language is not added to the revised draft. This was not agreed to in the RDA. The expectation was that the use of John's Bridge for access would eventually die out following improvements to the Indian Stream access site and road from the east to Churchill Dam.

*Comment, page 43:* Add language indicating that a new ranger station in the vicinity of John's bridge would be outside the Restricted Zone, and delete reference to vehicle access to the station [CPA].

*Response:* The language of the revised draft is unchanged. This issue was not discussed as part of the RDA. Generally, new ranger stations would be sited with a view toward enhancing the wilderness character of the Restricted Zone.

*Comment, page 43:* Add that access at John's Bridge will not be advertised in an effort to redirect access to Churchill Dam and Indian Stream [CPA].

*Response:* The Bureau will inform the public of authorized access sites to the extent necessary to ensure understanding and compliance with the rules; however, in an effort to

redirect access to Churchill Dam and Indian Stream, the Bureau will not unduly publicize or otherwise promote access at John's Bridge. Wording to this effect is added to the revised draft.

*Comment, page 43:* List, in the second paragraph, the access-related actions contained in the RDA [CPA].

*Response:* The list is added to the revised draft.

*Comment, page 43:* Delete the word "inadvertently" in reference to the discontinuance of access at Finley Bogan [CPA].

*Response:* This statement is correct and is not changed in the revised draft.

*Comment, page 44:* Add "as existing" to the motor vehicle access sites at Chamberlain Thoroughfare, Churchill Dam, Michaud Farm, Twin Brooks, and also at Bissonette Bridge and Ramsey Ledge campsite [AWW Council].

*Response:* The phrase is added in the revised draft.

*Comment, page, 44:* Add, to Strategy 1.1.A, "Relocate the entrance road directly into the Umsaskis parking lot from the Realty Road and close and revegetate the existing road beyond the ranger station to the parking lot at Umsaskis Thoroughfare." [CPA]

*Response:* This was agreed to in the RDA, and is added to the revised draft.

*Comment, page 45:* Add "Evaluate phasing out the use of John's Bridge as a vehicle access site when the road to Churchill Dam from the east is improved." [CPA]

*Response:* The language is not added. This was not part of the RDA. It is implicit in the use restriction and the proposed improvements to Indian Stream and the Churchill Dam road that use of John's Bridge may decline to a point where access there is no longer needed.

*Comment, page 46:* Add in a Strategy 1.1.K a reference to closing the road south of Ramsey Ledge Campsite to Ben Glazier Brook [CPA].

*Response:* This language is added, conditional on obtaining the permission of the owner of the road.

*Comment, page 47:* Strategy 1.2.A, change “request” to “require” landowners to close spur logging roads at a distance of “within one-half mile” of the watercourse upon completion of harvesting operations [CPA].

*Response:* The change is not made in the revised draft. The Bureau believes it lacks the statutory or regulatory authority to require the closing of private logging roads outside the Restricted Zone. On Bureau-owned lands outside the Restricted Zone, such a strategy is generally employed, but should not be a requirement.

*Comment, page 50:* Delete the list of currently-authorized, snowmobile access routes in Strategy 1.3.A [CPA].

*Response:* The list is deleted from the revised draft. Snowmobile access and use is now being addressed by the AWW Advisory Council. Amendments to the Plan regarding this issue will be developed at a later time.

*Comment, page 50:* Add a as a strategy “Develop a plan for operation of snowmobiles in a specific and limited number of areas on [watercourse lakes and ponds] and “designate Snowmobile-free areas, including [Allagash Lake and Stream, where such use is limited to emergencies and administrative need].” [CPA]

*Response:* This language is not added to the revised draft. Amendments to the Plan regarding this issue will be developed at a later time.

*Comment, page 53:* Remove “The Bureau will be conscious of and sensitive to opportunities to minimize unnatural noise within the Waterway.” [Denico, Medina, Sylvester] Move the proposed phrase to the head of the paragraph [CPA, Nicoll]. Delete the word “unnatural” [Nicoll]. Use the word “disruptive” rather than “unnatural” [CPA].

*Response:* The Bureau does not have the authority to regulate noise outside the Restricted Zone; however, the proposed language only states that the Bureau will “be sensitive to



“and conscious of” noise within the Waterway. As such, it remains in the revised draft, but moved to the head of the paragraph, with “unnatural” deleted.

*Comment, page 56:* Add as Strategy 1.7.H, “Minimize noises that disrupt the wilderness experience, including from motors in the Waterway.” [CPA]

*Response:* Motors are explicitly allowed by statute on the watercourse, except on Allagash Lake and Stream. The proposed language is inconsistent with the statutory intent and is not added to the revised draft.

*Comment, page 58::* Add a reference to the State’s statutory requirement for maximum wilderness character of the watercourse to the Background statement [CPA].

*Response:* A reference is added to the revised draft.

## BUILDINGS

*Comment, page 53, Strategy 1.6.B:* Delete “to the extent possible”. Add “Enhancement of the wilderness character of the Allagash will be pursued, consistent with the federal wild designation and the state Allagash statute.” [CPA]

*Response:* The phrase “to the extent possible” is unchanged in the revised draft. Practical management needs must be considered. The additional language appears in the revised draft.

*Comment, page 53, Strategy 1.6.C:* Delete “administrative structures”; add “not in conformance with” after “found”; delete “unnecessary for management of the resources within”; add after “Waterway”, “statute which prohibits nonessential structures within the Restricted Zone”; delete “buildings and camps” and replace with “structures by June 30, 2004”; add “by December 31, 2004 will” before “remove”; add after “those that are”, “not in conformance with the Allagash statute (12 MRSA, Section 1876); delete “no longer of use”; delete “generally” and insert “As”; delete “the Bureau will endeavor” and “while honoring traditional uses”; add “Bureau will further reduce the number of structures in the future.” [CPA]

*Response:* The proposed last statement is not included in the revised draft because prior language expresses the same intent. The following statement is added to the revised document, *“In considering construction of new administrative structures and the replacement of existing structures, the Bureau will endeavor to locate them as far from the watercourse as practical.”*

*Comment , page 60, Strategy 2.3 I:* Delete “Highlight the historical significance of the” and replace with “Explore the idea of a...”; delete “area” and replace with “historic place, which could involve restoration of one or two”; delete “Restore” [CPA]. Use the RDA language [AWW Council].

*Response:* The RDA language is used in the revised draft.

## DAMS

*Comment, page 53, new paragraph for Background Policy 1 (“Enhance the Wilderness Character of the Restricted Zone”):* Delete “new” and add, “replacement timber crib”; add after 1998 “with a concrete and steel dam”; delete “to allow water releases for canoeists”; delete “need of” and replace with “disrepair”; delete “If replacement of these dams becomes necessary...” and replace with “Alternatives including removal...” [CPA].

*Response:* All of these proposed changes are made in the revised draft.

*Comment, page 54, Strategy 1.6.D:* Begin paragraph with, “Study alternatives, including removal, for Lock and Telos dams. If replacement is determined to be essential”; delete “if necessary”; add after before any “work is done below mean high water on”; delete “is made”; add “wild” before designation; replace “care” with “actions; replace “exercised” with “taken”; add “in the vicinity” after “area”; delete “where reasonable” [CPA]. Any review undertaken should be comprehensive, including but not limited to, ecological, historical, cultural, economic, and administrative significance [Don Nicoll].

*Response:* The Strategy reads as follows in the revised draft, *“Comprehensively study alternatives, including removal, for Lock and Telos dams. Consult with, and obtain approval if necessary, the National Park Service and the Corps of Engineers before repair, modification, reconstruction or replacement of Telos, Lock, or Churchill Dams, to*

*ensure consistency with the federal wild designation. In the event of significant repair or modification, or in the event of reconstruction, care will be taken to avoid degradation of the wilderness character of the area in the vicinity of the structure. Where reasonable, steps will be taken to enhance the wilderness character by blending structures with the natural environment.”*

## BRIDGES

*Comment, page 46, Strategy 1.1.L:* Begin the paragraph with “To enhance the wilderness character of the Waterway, study alternatives, including removal, of all bridges requiring major repairs. If replacement is determined to be essential”; delete “Require consultation” and replace with “consult”; add after National Park Service “and the Army Corps of Engineers” and delete “regarding bridge reconstruction”; delete “conditions of Bureau approval of”; add “for”; add after reconstruction “removal,”; add ”wild” before designation; delete “Consistent with the federal designation, the Bureau will consider elimination of bridge crossings at opportune times in order to enhance the wilderness character of the Waterway.” [CPA] Clarify that NPS consultation is not needed for repairs that do not need a permit from the Corps of Engineers [AWW Council].

*Response:* The strategy reads as follows in the revised draft “*To enhance the wilderness character of the watercourse, comprehensively study alternatives, including removal, for all bridges requiring major repairs. Consult with the National Park Service and the Corps of Engineers regarding major repairs or bridge replacement. All necessary approvals and permits will be obtained for any repair, modification, reconstruction, removal, or replacement of a bridge crossing the watercourse of the Waterway to ensure consistency with the federal designation.*”